

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANNE FLACCUS,

Plaintiffs,

v.

ADVANCED DISPOSAL SERVICES
SOUTH, LLC

Defendant.

**CIVIL ACTION
NO. 2:17-cv-04808-CDJ**

**UNOPPOSED MOTION FOR A TWO-DAY EXTENSION
OF THE NOVEMBER 28 DEADLINE SET FORTH IN PARAGRAPH 4 OF
THIS COURT’S NOVEMBER 22, 2022 ORDER**

Defendant Advanced Disposal Services South, LLC, by and through its attorneys, Lamb McErlane PC, hereby moves for an unopposed two-day extension of the November 28 deadline set forth in paragraph 4 of this Court’s November 22, 2022 Order, and in support hereof avers as follows:

1. By Order dated November 22, 2022, this Court ordered, among other things, that no later than November 28, 2022, undersigned counsel shall file either a notice withdrawing certain affirmative defenses or file memoranda specifically demonstrating the factual and legal bases for certain affirmative defenses that are not withdrawn.

2. Defendant understands the Court’s concern about the length of time that this matter has remained unresolved and has been listed on the docket, and will endeavor to expeditiously comply with the deadlines established by this Court to move this matter toward a resolution.

3. Due to the upcoming Thanksgiving holiday weekend, Defendant's law firms have experienced staffing (administrative assistants) shortages, in part as a result of travel obligations, which are impediments to adhering to this Court's impending November 28 deadline.

4. Defendant needs and therefore respectfully requests two additional days within which to comply with the November 28 deadline.

5. Undersigned counsel has contacted Plaintiff's counsel regarding this request for a two-day extension and Plaintiff's counsel has no objection to the relief requested herein.

6. In accordance with this Court's Policies and Procedures (October 2022), specifically paragraph II.F., Defendant believes and therefore avers that the reasons set forth herein constitute good cause to justify this two-day extension of time.

7. In addition, this two-day extension of time will not impact any of the other deadlines set forth in this Court's Order dated November 22, 2022, including but not limited to the scheduled trial date, and consequently pursuant to paragraph II.F of this Court's Policies and Procedures (October 2022), this unopposed motion may qualify as a stipulation of the parties that is hereby submitted to the Court for approval.

WHEREFORE, for these reasons, Defendant respectfully requests that this Honorable Court enter an Order granting Defendant a two-day extension of the November 28 deadline set forth in paragraph 4 of this Court's November 22, 2022 Order.

LAMB McERLANE PC

Dated: November 23, 2022

By: /s/ Joel L. Frank

Joel L. Frank (I.D. No. 46601)

John J. Cunningham (I.D. No. 70975)

24 East Market Street

P.O. Box 565

West Chester, PA 19381

Tel.: (610) 430-8000

Fax: (610) 692-0877

*Attorneys for Defendant Advanced Disposal
Services South, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANNE FLACCUS,

Plaintiffs,

v.

ADVANCED DISPOSAL SERVICES
SOUTH, LLC

Defendant.

CIVIL ACTION
NO. 2:17-cv-04808-CDJ

**MEMORANDUM IN SUPPORT OF DEFENDANT’S UNOPPOSED
MOTION FOR A TWO-DAY EXTENSION
OF THE NOVEMBER 28 DEADLINE SET FORTH IN PARAGRAPH 4 OF
THIS COURT’S NOVEMBER 22, 2022 ORDER**

Defendant Advanced Disposal Services South, LLC, by and through its attorneys, Lamb McErlane PC, submits this Memorandum in support of its request for an unopposed two-day extension of the November 28 deadline set forth in paragraph 4 of this Court’s November 22, 2022 Order.

Argument

By Order dated November 22, 2022, this Court ordered, among other things, that no later than November 28, 2022, undersigned counsel shall file either a notice withdrawing certain affirmative defenses or file memoranda specifically demonstrating the factual and legal bases for certain affirmative defenses that are not withdrawn.

Defendant understands the Court's concern about the length of time that this matter has remained unresolved and has been listed on the docket, and will endeavor to expeditiously comply with the deadlines established by this Court to move this matter toward a resolution.

Due to the upcoming Thanksgiving holiday weekend, Defendant's law firms have experienced staffing (administrative assistants) shortages, in part as a result of travel obligations, which are impediments to adhering to this Court's impending November 28 deadline. Defendant needs and therefore respectfully requests two additional days within which to comply with the November 28 deadline.

Undersigned counsel has contacted Plaintiff's counsel regarding this request for a two-day extension and Plaintiff's counsel has no objection to the relief requested herein.

In accordance with this Court's Policies and Procedures (October 2022), specifically paragraph II.F., Defendant believes and therefore avers that the reasons set forth herein constitute good cause to justify this two-day extension of time. In addition, this two-day extension of time will not impact any of the other deadlines set forth in this Court's Order dated November 22, 2022, including but not limited to the scheduled trial date, and consequently pursuant to paragraph II.F of this Court's Policies and Procedures (October 2022), this unopposed motion may qualify as a stipulation of the parties that is hereby submitted to the Court for approval.

Dated: November 23, 2022

LAMB McERLANE PC

By: /s/ Joel L. Frank

Joel L. Frank (I.D. No. 46601)

John J. Cunningham (I.D. No. 70975)

24 East Market Street –Box 566

West Chester, PA 19381

Tel.: (610) 430-8000

Fax: (610) 692-0877

*Attorneys for Defendant Advanced Disposal
Services South, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANNE FLACCUS,

Plaintiffs,

v.

ADVANCED DISPOSAL SERVICES
SOUTH, LLC

Defendant.

**CIVIL ACTION
NO. 2:17-cv-04808-CDJ**

CERTIFICATE OF SERVICE

I, Joel L. Frank, Esquire, hereby certify that on November 23, 2022, I caused a true and correct copy of the foregoing Motion and supporting Memorandum to be served via the Court's CM/ECF system upon all counsel registered to received electronic notices in the above-captioned action.

LAMB McERLANE PC

Dated: 11/23/2022

By: /s/ Joel. Frank
Joel L. Frank (I.D. No. 46601)
24 East Market Street
P.O. Box 565
West Chester, PA 19381
Tel.: (610) 430-8000
Fax: (610) 692-0877
Attorneys Defendants